

REMARKS

As a preliminary matter, applicant appreciates the examiner's indication that claims 11-14 are allowable.

Claims 1, 2, and 4-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki (JP 2002-178712). In response, applicant has cancelled claims 1, 2, and 4-6, rendering the rejection moot.

Claims 1, 2, and 4-6 are also provisionally rejected on the ground of non-statutory obviousness-type double patenting based on Application Serial No. 10/563,297. As stated above, applicant has cancelled claims 1, 2, and 4-6. Accordingly, this rejection is moot.

Claims 1, 2, 4-6, 15 and 16 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-26 of Application Serial No. 10/563,673. In response, applicant files herewith a terminal disclaimer to obviate the provisional double patenting rejection. For this reason, applicant respectfully requests withdrawal of the provisional non-statutory double patenting rejection.

Claims 1, 2, 4-6, 9, and 10 stand provisionally rejected on the grounds of non-statutory obviousness-type double patenting based on co-pending Application Serial Nos. 11/795,350, 11/795,280, 11/632,591 and 10/580,518. Applicant asserts that, based on the amendments and arguments provided herein, the provisional non-statutory obviousness-type double patenting rejections are the only rejections remaining in the present application. Moreover, the present application was filed earlier than each of Application Serial Nos.

11/795,350, 11/795,280, 11/632,591 and 10/580,518. Thus, these provisional rejections should be withdrawn from the present application without need to file terminal disclaimers (see M.P.E.P. § 804(I)(B)(1)). Accordingly, applicant requests withdrawal of the provisional non-statutory double patenting rejections based on Application Serial Nos. 11/795,350, 11/795,280, 11/632,591 and 10/580,518.

Claims 1, 2, 4-6, 9, and 10 are also provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-11 of co-pending Application Serial No. 10/563,303 (“the ‘303 application”). As stated above, claims 1, 2, and 4-6 have been cancelled. Accordingly, the rejection is moot with regard to these claims. Applicant traverses the provisional rejection with regard to claims 9 and 10 because the claims of the ‘303 application fail to disclose or suggest a pneumatic tire having two belt-shaped sound absorbing layers.

As a preliminary matter, applicant notes that claims 1-6 and 10-11 of the ‘303 application have been cancelled. Claim 7 of the ‘303 application recites that a member is attached to an inner surface of a tread by an elastic fixing band. However, the claims of the ‘303 application fail to recite a belt-shaped sound absorbing layer, as recited in claim 10 of the present application. Moreover, the claims of the ‘303 application do not recite that a pneumatic tire includes two sound absorbing layers, as recited in claim 10 of the present application. Accordingly, applicant asserts that the claims of the present application are not obvious in light of the claims of the ‘303 application, since the claims of the ‘303 application fail to disclose or suggest a pneumatic tire that includes two belt-shaped sound absorbing

layers, as recited in independent claim 10 of the present application. For these reasons, applicant requests withdrawal of the provisional obviousness-type double patenting rejection of claims 9 and 10.

Claims 1, 2, 4-6, 9, and 10 stand rejected on the grounds of non-statutory obviousness-type double patenting based on claims 1-19 of U.S. Patent No. 7,140,412. In response, applicant files herewith a terminal disclaimer to obviate a double-patenting rejection over a prior patent. Accordingly, applicant respectfully request withdrawal of the non-statutory obviousness-type double patenting rejection.

For the foregoing reasons, applicant believes that this case is in condition for allowance, which is respectfully requested. The examiner should call applicant's attorney if an interview would expedite prosecution.

If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely, it is hereby petitioned under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely. The Commissioner is hereby

authorized to charge fees which may be required to this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By 
Kevin T. Bastuba
Registration No. 59,905

March 2, 2009

300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
Telephone: 312.360.0080
Facsimile: 312.360.9315

Customer No. 24978